

PLANNING STATEMENT

Lawful Development Certificate for Existing Development:
Single storey rear extension and cantilevered first floor rear
extension at Pear Tree Farm, Freehay, Cheadle
Applicant: Mr. G. Arrowsmith

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1.0 INTRODUCTION

- 1.1. Hewitt & Carr Architects Ltd. has been instructed by Mr. G. Arrowsmith to submit a Lawful Development Certificate application under s191 of the Town and Country Planning Act 1990 (As Amended) to seek confirmation that building operations undertaken at Pear Tree Farm, Freehay, Cheadle are lawful.
- 1.2. The building operations concerned are a single storey rear extension, and a cantilevered first floor rear extension to the existing dwellinghouse. At the time of construction both of the extensions would have required planning permission, although it is noted that the single storey rear extension would constitute permitted development under current day legislation.
- 1.3. This Planning Statement and its associated Appendix seek to demonstrate a precise and unambiguous set of evidence to support the case that the building operations undertaken on the site are lawful and therefore immune from enforcement action by the Local Authority.

2.0 THE SITE

- 2.1. The application site comprises a large detached dwellinghouse located within the rural area on the edge of Freehay, Cheadle. The property is two storey in nature and has benefitted from a number of previous extensions in the past, including a utility, hall and living room extension and a front conservatory. The dwelling is set back from the highway within a substantial area of domestic curtilage, and has mature trees located to the rear.

3.0 THE PROPOSAL

- 3.1. This Lawful Development Certificate for Existing Development seeks confirmation that:
 - 1) The single storey rear extension and cantilevered first floor rear extension, shown hatched red on drawing 00714-AL(0)01, are lawful.

4.0 STATEMENT OF CASE

- 4.1. Paragraph 006 of the Planning Practice Guidance relates to Lawful Development Certificates and confirms that the applicant is responsible for providing sufficient information to support an application. It goes on to state that in the case of applications for existing use, if a local planning authority has no evidence itself, nor from any others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to

refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

- 4.2. In this case, there has been a breach of planning control on the site involving building operations to construct the single storey rear extension and cantilevered first floor rear extension. Section 171B of the Town and Country Planning Act 1990 (As Amended) confirms that where there has been a breach of planning control consisting of the carrying out of building operations, no enforcement action may be taken after the end of a period of four years beginning with the date on which the operations were substantially completed.
- 4.3. It is the applicant's contention that the aforementioned building operations were substantially completed in excess of four years ago, and are therefore now immune from enforcement action in the context of Section 171B of the Town and Country Planning Act 1990 (As Amended). Evidence to support this contention is set out within the accompanying Sworn Statements prepared by Mr. Graham Arrowsmith (Applicant / Owner) and Mr. James Coates (Builder) which are enclosed as Appendix A.
- 4.4. The Sworn Statement of Mr. Graham Arrowsmith confirms that he and his wife, Judith Arrowsmith have occupied Pear Tree Farm, Freehay since June 1992 and that in September 2006 he received a quotation from J. E. Coates Building & Joinery to undertake the construction of the single storey rear extension and first floor cantilevered extension. The Sworn Statement goes on to confirm that J. E. Coates Building & Joinery were instructed to undertake the building operations that are the subject of this application in September 2006, and that they were completed in February 2007. The Sworn Statement thereafter makes reference to an invoice received from J. E. Coates Building & Joinery dated 3rd March 2007 which was received after the works were completed.
- 4.5. These statements of fact set out within the Sworn Statement of Mr. Graham Arrowsmith are independently corroborated by the Sworn Statement of Mr. James Coates who was the applicant's builder, trading as J. E. Coates Building & Joinery. His Sworn Statement confirms that he was instructed by the applicant to carry out the construction of the single storey rear extension and cantilevered first floor extension at the application site in September 2006 and that he completed the building operations in February 2007. He also confirms that he invoiced the applicants for the construction works on the 3rd March 2007. The fees quoted on the original fee proposal, and those shown on the resultant invoice also correlate with one another.
- 4.6. To supplement the above evidence, the Sworn Statement of Mr. Graham Arrowsmith references photographs of the interior of the single storey rear extension which is utilised as a dining room. It goes on to reference a photograph of his father and mother sitting in the dining room, a picture that was taken prior to his father's passing in January 2012, as confirmed by the Death Certificate circulated. The enclosed photocopy of his father's passport

further confirms that the gentleman in the photograph is indeed his father. This evidence demonstrates that the single storey rear extension had to have been completed and in use for residential purposes prior to January 2012, which is in excess of four years ago. Such evidence serves to corroborate the other facts set out in his Sworn Statement.

- 4.7. In the context of the time limits set out in s171B of the Town and Country Planning Act 1990 (As Amended), the building operations undertaken on site would need to have been substantially completed by at least the 10th October 2013 in order to now be lawful. The sworn statement submitted by Mr. Graham Arrowsmith is considered to carry substantial weight as a piece of evidence, as he has an intimate knowledge of the site having occupied the property since June 1992 and having instructed the builder to undertake the building operations in question. His Sworn Statement confirms that the works were completed in February 2007, and are independently corroborated by the Sworn Statement of Mr. James Coates. It is therefore submitted that there is compelling evidence to support the grant of a Lawful Development Certificate in this regard.

5.0 CONCLUSION

- 5.1. It is submitted that the evidence presented in the Statement of Case above and within the accompanying Appendix, taken as a whole, constitutes a continuous and unambiguous set of evidence that is sufficiently precise and unambiguous to justify the grant of a Lawful Development Certificate to confirm that the building operations undertaken on site are now lawful.
- 5.2. The Local Authority is therefore respectfully requested to grant a Lawful Development Certificate for Existing Development in this regard.